

REMARKS

Claims 23, 26, 28-31, 33-37, 40-43, 45-46 and 48-59 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein. In the Final Office Action Summary, the Examiner indicated that claims 30-31, 33-37, 40-43, 45-46 and 48-51 were allowed, that claims 25, 26, 28 and 29 were objected to, and that claims 23, 24, 27, 32, 38, 39, 44 and 47 were rejected.

REJECTION UNDER 35 U.S.C. § 112

Claims 27, 32, 38, 39, 44 and 47 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. These rejections are respectfully traversed.

Claims 27, 32, 39 and 47 are all directed to the composition of the catalyst utilized in the reprocessed batter. The Examiner maintained the rejection that the specific limitation recited in the claims -- namely, about 85-90% sugar -- is not disclosed in the specification, stating that "the highest amount [of sugar content] possible is 84." Paragraph 23 of the specification discloses a specific catalyst example having approximately 16 pounds of sugar (12 lbs. table sugar and 4 lbs. dextrose), two pounds wheat gluten, four ounces or 0.25 pound enzyme (L-cystine) and two pounds carrier (flour). Applicant notes that the limitation recited in the claims are directed to the active ingredients of the catalyst but not the inactive or inert ingredient, namely the carrier.

Without the carrier in the catalyst composition, the total weight is 18.25 pounds with the following composition: 16 pounds of sugar ($16/18.25 = 87.7\%$), two pounds wheat gluten ($2/18.25 = 11.0\%$) and $\frac{1}{4}$ pound enzyme ($0.25/18.25 = 1.4\%$). Thus, Applicant submits that a composition of about 85-90% sugar, about 9-14% wheat gluten and about 1% enzyme is fully supported by the specification. In an effort to further address the Examiner's rejection, Applicant presents new claims 52-55 in place of claims 27, 32, 39 and 47 in which the limitation is recited in terms of the disclosed weight ratio.

Claims 38 and 44 are directed to a specific dough mixture composition comprising flour, rework dough, water, catalyst and yeast. Paragraph 22 of the specification discloses a dough in accordance with the present invention wherein a reprocessing batter replaces the water in a typical dough. The specific dough example given includes 100 pounds of flour, twelve pounds of sugar, one-half pound salt, three pounds of yeast and 150 pounds of reprocessed batter which consists of approximately 90 pounds of rework, 53 pounds of water and 7 pounds of catalyst. Using these weight ratios, the dough example above would comprise 100 pounds of flour ($100/265.5 = 37.7\%$), 12 pounds sugar ($12/265.5 = 4.5\%$), one-half pound salt ($0.5/265.5 = 0.2\%$), three pounds yeast ($3/265.5 = 1.1\%$), 90 pounds rework ($90/265.5 = 33.9\%$), 53 pounds water ($53/265.5 = 20.0\%$) and seven pounds catalyst ($7/265.5 = 2.6\%$). Thus, Applicant submits that a dough mixture of about 40 parts flour, about 33 parts rework dough, about 20 parts water, about 3 parts catalyst and about 1 part yeast enzyme is fully supported by the specification. In an effort to further address the Examiner's rejection, Applicant presents new claim 54 in place of claim 38 in which the limitation is recited in terms of the disclosed weight ratio. Claim 44 has been cancelled herein.

REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected claims 23, 24 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Moline (U.S. Pat. No. 4,046,920) in view of Silva (U.S. Pat. No. 4,500,548). This rejection is respectfully traversed.

With respect to claims 23 and 24, Applicant has amended claim 23 to include the limitations of claims 24 and 25 which have been cancelled herein. With respect to claims 38, Applicant has amended claim 40 to include the limitations of claims 38 and 39 which have been cancelled herein.

ALLOWABLE SUBJECT MATTER

The Examiner notes that claims 30-31, 33-37, 40-43, 45-46 and 48-51 are allowable and that claims 25, 26, 28 and 29 would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claim. As noted above, claims 23 and 40 have been so amended.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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